

Message Text

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PAGE 01 GENEVA 08363 061327Z

53

ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 INRE-00 L-03 H-02 DOTE-00 IOE-00

PA-01 PRS-01 TAR-01 USIE-00 SSO-00 STR-04 SP-02

AID-05 EB-07 NSC-05 CIEP-01 TRSE-00 SS-15 OMB-01

CEA-01 CIAE-00 COME-00 FRB-03 INR-07 NSAE-00 XMB-02

OPIC-03 LAB-04 SIL-01 /092 W
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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 6661

USMISSION EC BRUSSELS

LIMITED OFFICIAL USE GENEVA 8363

PASS CUSTOMS - DICKERSON

E.O. 11652: N/A

TAGS: ELTN, ECE

SUBJECT: ECE - REVIEW CONFERENCE TO REVISE TIR CONVENTION

REF: STATE 258329

1. DEPARTMENT'S CIEWS REQUESTED IMMEDIATELY ON FOLLOWING
SUBSTITUTE TEXT PROPOSED BY AUSTRIA FOR PARA 4, ARTICLE 51
OF REVISED TIR CONVENTION:

QUOTE: CUSTOMS OR ECONOMIC UNIONS MAY, TOGETHER WITH
THEIR MEMBER STATES OR AT ANY TIME AFTER THEIR MEMBER STATES
HAVE BECOME CONTRACTING PARTIES TO THE PRESENT CONVENTION,
ALSO BECOME CONTRACTING PARTIES TO THE PRESENT CONVENTION
IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPHS 1, 2 AND 3
OF THIS ARTICLE. HOWEVER, THE REPRESENTATIVES OF SUCH UNIONS
SHALL NOT HAVE THE RIGHT TO VOTE. END QUOTE.

2. AUSTRIAN DEL ARGUES THAT WHILE IT FAVORS POSSIBILITY OF
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PAGE 02 GENEVA 08363 061327Z

CUSTOMS UNIONS BECOMING CONTRACTING PARTIES TO NEW TIR

CONVENTION, PARAGRAPH (SO-CALLED "KYOTO CLAUSE")
CONTAINED IN DRAFT TEXT (TRANS/GE.30/AC.1/R.1) IS NOT
SATISFACTORY FOR FOLLOWING REASONS:

QUOTE:

(A) THE UNION WOULD HAVE TO WAIT UNTIL ALL THEIR MEMBERS
HAVE SIGNED WITHOUT RESERVATION OF RATIFICATION OR HAVE
RATIFIED OR ACCEDED TO THE CONVENTION IN ORDER TO BE ALLOWED
TO SIGN, RATIFY OR ACCEDE THEMSELVES; THEIR
INTERNAL SITUATION COULD, HOWEVER, REQUIRE JOINT ACTION
OF THE UNION AND ITS MEMBERS;

(B) THE DEPOSITARY WOULD HAVE TO SEE WHETHER THE INSTRUMENT
ESTABLISHING THE UNION IN QUESTION REQUIRES THE UNION TO
CONTRACT; IT IS AT LEAST QUESTIONABLE WHETHER THIS WOULD BE
POSSIBLE;

(C) IT IS NOT LIKELY THAT THE INSTRUMENT ESTABLISHING A
CUSTOMS UNION REQUIRES A BODY SET UP BY THE INSTRUMENT TO
CONTRACT IN ITS OWN NAME BUT RATHER IN THE NAME OF THE
UNION (E.G. THE COUNCIL OR THE COMMISSION OF THE EUROPEAN
COMMUNITIES, WHEN SIGNING AN INTERNATIONAL INSTRUMENT,
CERTAINLY ACTS ON BEHALF OF THE COMMUNITY). END QUOTE

3. IT APPEARS THAT BOTH EASTERN EUROPEANS AND THE EC COUNTRIES
PREFER AND MAY BE WILLING TO ACCEPT PROPOSED AUSTRIAN
AMENDMENT, ALTHOUGH LATTER HAVE NOT YET MET TO DISCUSS
MATTER. QUESTION OF EC ADHERENCE WAS FINESSED AT
OPENING OF CONFERENCE WHEN ITALIAN DEL, SPEAKING FOR
NINE, SAID NINE WOULD NOT BE ABLE TO UNDERTAKE MANY
OBLIGATIONS IN CONVENTION, ESPECIALLY AS CONCERNS
CUSTOMS DUTIES, UNLESS EC ABLE TO SIGN. USSR, POLAND,
HUNGARY, CZECHOSLOVAKIA AND GDR STATED OBJECTIONS FOR
RECORD, AND CHAIRMAN ADVISED THAT STATEMENTS OF BOTH
PARTIES WOULD BE NOTED IN CONFERENCE REPORT.

4. ARTICLE 51 WILL COME UP FOR DISCUSSION AFTERNOON
NOVEMBER 6. US DEL PLANS TO PROPOSE POSTPONEMENT OF
CONSIDERATION UNTIL MONDAY, NOVEMBER 10, IN ORDER TO
HAVE OPPORTUNITY FOR CONSIDERATION OF AUSTRIAN AMENDMENT.
SUCH POSTPONEMENT IS ACCEPTABLE TO BOTH EC AND EASTERN
EUROPEANS.DALE

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